

REMARKS

The Examiner is thanked for the Official Action mailed June 29, 2005. This amendment is intended to be fully responsive to the Official Action. Currently, Claims 1-38 are pending in the application, wherein Claims 1 and 32 have been amended.

As an initial matter Claims 1-38 stand rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Initially, the Examiner objects to the phrase “wooden” as being indefinite, alleging that is unclear whether this relates to the composition or appearance of the insert. However, Applicants contend that this phrase is sufficiently definite, and refers to the composition of the insert. Otherwise, the claim would specify that it was referring to the appearance, e.g., “an insert having a wooden appearance”. Accordingly, Applicants content that “wooden insert” is sufficiently definite. With regard to the remaining rejections, Applicants have amended Claim 32 to eliminate the informalities noted by the Examiner. Accordingly, withdrawal of the rejections based upon §112, second paragraph, is respectfully requested.

On page 2 of the Official Action, Claims 1-3, 5-8, 10-17, 22-27, 29-36 and 38 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,573,287 to *Hagemeyer et al.* Claims 1 and 8 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,281,480 to *Wendt*. Claims 1 and 19 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,491,584 to *Selzer*. Claims 4, 10 and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Hagemeyer et al.* in view of U.S. Patent No. 5,590,919 to *Germano*. Claims 9, 28, and 37 stand

rejected under 35 U.S.C. 103(a) as being unpatentable over *Hagemeyer et al.* in view of U.S. Patent Application Publication No. 2003/0052492.

A disclosed, non-limiting embodiment of the present invention pertains to an astragal assembly for attachment to a passive door, comprising a metallic rail having an exterior portion, an interior portion spaced from and opposed to the exterior portion, and a side portion extending between the exterior portion and the interior portion. An elongated open channel is defined in the metallic rail with sides formed by the exterior portion and the interior portion and a base formed by the side portion. A wooden insert is retained within the elongated open channel in the metallic rail. These features are defined in independent Claim 1.

Claim 1 has been amended to recite that the elongated open channel has an opening extending between the exterior portion and the interior portion and opposed to the side portion. None of the art of record discloses these patentable features.

In contrast, *Hagemeyer et al.* pertains to a double opening exterior French door that includes an astragal assembly. With reference to Figures 4 and 6, an aluminum astragal cladding 79 is disposed adjacent to a wood astragal core 78. The aluminum astragal cladding 79 extends along the width of the doors, and faces the active door. In contrast, the wood astragal core 78 faces and abuts the passive door so that it can be secured there against.

The Examiner contends that the exterior portion of the metallic rail is the lower point of cladding 79 and that the interior portion of the metallic rail are the horizontally disposed portions extending into the wood astragal core 78 (see Figure 6). However, according to this interpretation, the side portion is not opposed to the opening. Rather,

the side portion is disposed adjacent to the opening. As such, *Hagemeyer et al.* fails to disclose the feature of “an opening extending between the exterior portion and interior portion and opposed to the side portion”, as now defined in independent Claim 1.

Accordingly, independent Claim 1 is patentable over the *Hagemeyer et al.* reference.

Independent Claim 23 was also rejected over the *Hagemeyer et al.* reference. Independent Claim 23 defines a door assembly, comprising a passive door having an outer edge, an active door having an outer edge, wherein the active door is mounted for movement between an open position and a closed position in which the outer edge is aligned with the outer edge of the passive door. An astragal is coupled to the outer edge of the passive door, wherein the astragal includes a metallic rail having an exterior portion, an interior portion spaced from and opposed to the exterior portion, and a side portion that extends between the exterior portion and the interior portion and abuts the outer edge of the passive door. An elongated open channel is defined in the metallic rail with sides formed by the exterior portion and the interior portion and a base formed by the side portion, and a wooden insert is retained within the elongated open channel in the metallic rail that faces the active door in the closed position.

As discussed above, the wood astragal core 78 of *Hagemeyer et al.* faces the passive door, and the aluminum astragal rail 79 faces the active door. In contrast, the door assembly of Claim 23 recites that the side portion (of the metallic rail) abuts the outer edge of the passive door, rather than the active door. Claim 23 also defines that the wooden insert faces the active door in the closed position. As discussed in the specification at Paragraph [0043], hardware is secured to the outer surface of the insert, which provides a wooden face that is easily drilled or screwed. As discussed above, the

wooden astragal core 78 of *Hagemeyer et al.* faces the passive door, rather than the active door in closed position. Because the aluminum astragal rail 79 faces the active door, hardware can not be readily attached. Accordingly, *Hagemeyer et al.* fails to disclose the patentable features of independent Claim 23.

Claim 32 also stands rejected over the *Hagemeyer et al.* references. Independent Claim 32 defines an astragal comprising an extruded aluminum rail with an exterior portion having an exterior flange extending from a first side and a stop extending from an opposed side, an interior portion spaced from and opposed to the exterior portion, and a side portion extending between the exterior portion and the interior portion having a fastening formation. An insert is retained within a channel in the extruded aluminum rail formed by the exterior portion, the interior portion and the side portion, wherein the insert presents an outer surface for attachment to hardware.

As discussed above, the wood astragal core 78 of *Hagemeyer et al.* faces the passive door, and the aluminum astragal rail 79 faces the active door. As such, *Hagemeyer et al.* fails to disclose an insert which presents an outer surface for attachment to hardware. Accordingly, *Hagemeyer et al.* fails to disclose the patentable features of independent Claim 32.

Independent Claim 1 also stands rejected as being anticipated by *Wendt* and *Selzer*. However, both of these references pertain to a frame assembly for attachment to an active door. In each reference, the Examiner contends that the wooden frame component of the door is the “wooden insert”. However, the wooden frame components do not form part of the astragal assembly, but rather are part of the actual door frame. Therefore, they can not be considered to be a “wooden insert” of the astragal assembly.

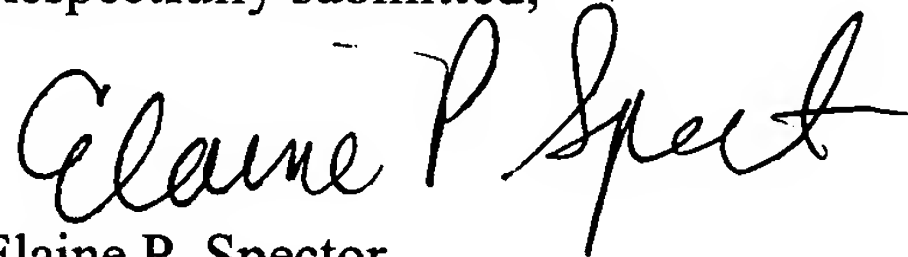
Accordingly, neither *Wendt* nor *Selzer* disclose the patentable features of the present invention.

It is respectfully submitted that the foregoing arguments and amendments place the application in condition for allowance. Should the examiner believe that additional discussion is required, the examiner is invited to contact the undersigned at the number listed below. The Commissioner is authorized to charge any required fees to deposit account no. 50-0548.

Dated: _____

9/28/05

Respectfully submitted,



Elaine P. Spector
Registration No. 40,116
Attorney for Applicant

Berenato, White & Stavish, LLC
6550 Rock Spring Drive, Ste. 240
Bethesda, Maryland 20817
(301)896-0600